

Sylvia Befancourt

06-1-6

The Modesta Avila Coalition

A Coalition of Affected Communities United for Change

Member Groups: East Yard Communities for Environmental Justice (Commerce); Coalition for A Safe Environment (Wilmington); Center for Community Action and Environmental Justice (Riverside/San Bernardino); Citizens Improving Colton (Colton); Westside Residents for Clean Air Now!(San Bernardino); HOME- Helping Our Mira Loma Environment (Mira Loma)

January 20, 2006

Dr. Robert Sawyer, Appointed Chair
California Air Resources Board
PO Box 28151
Sacramento, CA 95812

Dear Chairman Sawyer:

On behalf of the Modesta Avila Coalition, we would like to take this opportunity to congratulate you on your new position as Chair of CARB. We look forward to working with you on the important issues of air quality for Californians. As you know an important issue before the Board is the Memorandum of Understanding (MOU) with the railroad industry

We look forward to meet once again for what we expect will be a decisive discussion on this pressing issue. However, it is the overall sentiment, as community members in the southern California area that it is truly a hardship to attend a Board meeting held in Sacramento. Many of the people most directly impacted by this agreement are financially unable to travel for this meeting. While we would prefer to have the hearing in southern California, we understand the need to be fair in allowing those in the central/northern parts of the state to also participate. With this in mind, we respectfully request video/audio conferencing be provided for the session. This could be arranged through the CARB El Monte office as it has been done in the past, South Coast Air Quality Management District office or another facility of your choice. This arrangement would

allow for those of us in the south to participate in this vitally important discussion. We know that CARB is committed to ensuring that all be allowed to participate fully on this issue. Taking this small step would serve as a positive sign to our communities and reflect CARB staff consideration towards improving relationships with these affected communities.

After receiving and reviewing the staff's report on the response to Board's direction for clarification on several ambiguous and unclear language in the MOU, there are certain very important points that continue to be unclear. We emphasize that we are deeply disappointed that the staff chose to disregard the Board's direction only responding to one item—the release clause—often referred to as the “poison pill”.

Some of these issues that are not well defined by CARB staff include:

- The language regarding the provision to reduce idling is unclear and unenforceable. The MOU refers to reducing idling when it is “feasible” to do so. This broad choice of words creates a loophole by making it difficult to identify the legal requirements of the railroads to reduce idling—under what conditions, to what level, etc.
- Is the true intent for CARB to conduct extensive health risk assessments for rail yards, and not require actual risk reduction? If not where does it outline the risk reduction actions?

Due to the confusing, ambiguous language that remains in the MOU; our belief that the MOU simply doesn't provide the protections necessary for our affected communities; the process of negotiation on a major public policy agreement without all stakeholders present; and now the staff's unresponsive report to the issues raised by you and your Board members and the public leaves us with one conclusion—

The CARB Board must reject the MOU, start a new process that involves all the stakeholders and negotiate a stronger agreement that is truly protective of our communities. We also believe that a healthy environment is achievable, but only with the

cooperation of all stakeholders and policy makers. We offer support and enthusiasm at creating a process and agreement that meets all stakeholders needs.

Sincerely,

The Modesta Avila Coalition

Center for Community Action and Environmental Justice

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Public Testimonial

January 26, 2006

Dear: CARB Board Members

My Name is Marisela Knott a resident in the city of Commerce California for approximately 30 years. As I sit writing this letter amongst the background noise of the rail yard, witch sits behind my house and another one block away. I am compelled to express to you the dreaded disappointment that I and my fellow community neighbors feel in regards to the recently signed Memorandum of understanding between CARB and the Rail Industry.

Our communities disgust doesn't just lie with the fact that the agreement was signed behind closed doors, but at the fact that CARB staff knew that communities were working on railroad legislation and refusal to listen to the concerns of communities along with the lack of gathering more information on this issue simply doesn't make sense. Your CARB Board Executive Catherine Witherspoon has stated that the Rail Industry came to them with the desire to sign a new MOU agreement, as long as CARB would sign a letter of opposition to the Railroad legislation. Know it should be very interesting to the public that, days fallowing the new MOU agreement, a letter of opposition from CARB was made public. I don't every recall reading in CARB's mission statement that CARB should play politics when it comes to making decisions that affect communities' health.

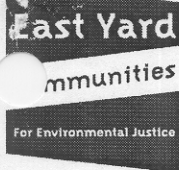
To further add to insult, we as communities who have welcomed Catherine into our neighborhoods and have shown her the condition in which we live. Find it disturbing that she can implicate that we are mere puppets that South Coast Air Quality Management District is only using to gain regulation over railroads. I just don't understand how someone who is in charge of overseeing the entire state of California's Air Resource Board , can see the conditions in witch we live and still not get the gravity of how important it is for us to have Environmental Justice.

Know on the other hand if the Agenda of CARB is to cater to industry growth and fallow the governors Goods Movement Action Plan without restrictions on growth and or the impacts of community health, then CARB is doing its Job. But let it be clear that CARB as the states Air Quality Regulatory Agency has turned its back on the people it was intended to protect, the residents of California.

Please annul this MOU!

Thank You,

Marisela Knott
4611 Leonis St.
Commerce, Ca. 90040



East Yard Communities for Environmental Justice - 2317 Atlantic Blvd. Commerce, CA.90040

January 24, 2006

Dr. Robert Sawyer, Appointed Chair
California Air Resources Board
PO Box 28151001, I Street
Sacramento, California 95812

RE: Welcome and Introduction

Dear Honorable Chairman Sawyer:

On behalf of the environmental youth group working with East Yard Communities for Environmental Justice, we would like to take this opportunity to congratulate you on your newly appointed position as Chair of the California Air Resources Board. We would also like to invite you to take part in a toxic tour of our community and/or meet with several of our youth activists and community leaders.

As you may know Bell Gardens High School, the school we attend, is the closest high school located near Commerce, and though many of us live in Commerce we share our school time with the neighbor community of Bell Gardens. Our school is located directly in front of the railroad tracks that lead to one of the intermodal facilities in Commerce.

As a community we have witnessed our friends and families suffer from respiratory illnesses such as bronchitis, asthma, and throat and lung cancer, ultimately resulting from air pollution. Through the environmental group we are a part we have gained an understanding of how the politics of a great issue like air pollution work and volunteer our time to gain more knowledge.

We understand that you will be meeting regarding the recent MOU, and we encourage you to take these problems faced in our communities into consideration upon arriving at a decision. In fact some of us who were present at the last CARB board hearing wanted to attend this upcoming hearing but were unable to do because it is hard to travel to Sacramento, particularly on a school day. We hope that although we will not be present to express our views, this letter will speak on our behalf.

We look forward to the opportunity to meet with you and share our community's experience with you in more detail.

Thank you in advance for your time and consideration,

Bell Gardens High School Environmental Youth

East Yard Communities for Environmental Justice

BGHS Environmental Youth Group

Names:

1. Vanessa Lopez
2. Maria Hernandez
3. Patricia May
4. Juan Coto
5. Maria Turad
6. Juan Martinez
7. Alex
8. Alejandro Lichtscheidl
9. Lorena Paltan
10. Chrissy Bautista
11. Alex Cēja
12. Cleo Llanos
13. R. C. N. Jr
14. R. C. N. Jr
15. Cristian Hernandez
16. Dominique B. J. J.
17. Lizz Sanchez
18. VINCENT GALLARD
19. Michael Christakis
20. Gustavo Ramirez
21. Evelyn Maldonado
22. Christopher Estridge
23. Jacqueline Ochoa
24. Natali Lozano
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Genesis Rodriguez

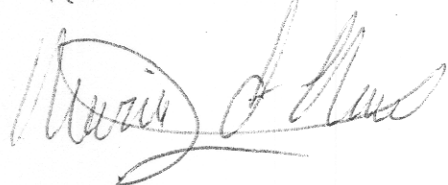
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